



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,661	12/31/2003	Krishna Bharat	0026-0064	2814

44989 7590 03/27/2007
HARRITY SNYDER, LLP
11350 Random Hills Road
SUITE 600
FAIRFAX, VA 22030

EXAMINER	
AHN, SANGWOO	
ART UNIT	PAPER NUMBER
2166	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/748,661

Applicant(s)

BHARAT ET AL.

Examiner

Sangwoo Ahn

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 12, 14 - 29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 - 12, 14 - 29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09252006.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's communication filed on 1/5/2007 has been entered.

Claims 1 – 12, 14 – 28 are pending in this Office Action.

Claim 13 has been canceled.

Claims 1, 10, 14 – 15, 17 – 19 and 29 have been amended.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 10, 14, 15, 17, 18, 19 and 29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2, 5 – 21, and 24 – 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,990,633 issued to Hitoshi Miyasaka et al (hereinafter "Miyasaka").

Regarding claim 1, Miyasaka discloses a method of retrieving news content from a news aggregation server (Figure 3, column 3 line 30, et seq.), comprising:

Art Unit: 2166

hosting first news content at a first news server (Figure 2B element 44, et seq.);
receiving user input selecting news content of the first news content (column 3
lines 43 – 45, et seq.);

sending query data, associated with the selected news content, to the news
aggregation server (Figure 4 element 5, column 4 lines 29 – 31; 34 – 37, et seq.);

receiving, at the first news server via a network, second news content from the
news aggregation server resulting from a search performed at the news aggregation
server using the query data (column 4 lines 31 – 37, et seq.); and

hosting the second news content, in conjunction with the first news content, at
the first news server (column 4 lines 31 – 33; 37 – 40, et seq.).

In the Applicant's Remarks filed on 1/5/2007 (which has already been declared moot in view of the new ground of rejection), Applicant alleged that the cited sections of Miyasaka do not disclose or even suggest the interaction of two servers over a network, where a first news server hosts first news content, where a news aggregation server returns second news content resulting from a search performed at the news aggregation server using query data, and where the first news server receives the second news content via a network and hosts the second news content in conjunction with the first news content. Examiner still believes that Miyasaka teaches or suggests all of the aforementioned features. See Figures 2B and 3 and column 4 lines 27 – 37. In Miyasaka, news server, content database and content provider interact over a network. News server searches for and collects various news contents from content providers (news server processes query data and performs search using the query data

Art Unit: 2166

that reflects personal preferences of an individual recipient), and stores these contents in content database, which hosts these collected news contents.

Claim 18 is essentially the same as claim 1 except it sets forth the limitation as “a system” rather than “a method”, therefore rejected based on the rationale discussed in claim 1 rejection.

Regarding claim 2, Miyasaka discloses the query data comprises a Uniform Resource Locator (URL) associated with the selected news content (column 1 lines 32 – 33, column 13 line 16; 31, et seq.).

Regarding claim 5, Miyasaka discloses the news aggregation server aggregates news content from a plurality of news sources and groups the news content (column 4 lines 31 – 40, et seq.).

Regarding claim 6, Miyasaka discloses the search involves comparing the URL with the grouped news content to determine a group from the grouped news content to which the URL belongs (column 1 lines 33, column 4 line 14, column 13 lines 30 – 32, et seq.).

Regarding claim 7, Miyasaka discloses the query data comprises a textual portion of the selected news content (Figure 5C, et seq.).

Regarding claim 8, Miyasaka discloses the news aggregation server generates a search query for use in the search based on the textual portion of the selected news content (Figure 5C, column 3 lines 29 – 31; 34 – 37, et seq.).

Regarding claim 9, Miyasaka discloses the textual portion of the selected news content comprises key words of the selected news content (Figure 5C, et seq.).

Regarding claim 10, Miyasaka discloses a method of creating custom news documents, comprising:

periodically producing one or more custom search queries related to news of interest (Figure 5E, et seq.);

sending the one or more search queries at periodic intervals across a network to a news search server that aggregates news from a plurality of news sources (column 4 lines 34 – 37, et seq.);

receiving news content corresponding to the one or more search queries from the news search server (column 4 lines 9 – 12, et seq.);

inserting the news content into the custom news documents, wherein the custom news documents are stored at a custom news server that is remote from the news search server (column 3 lines 45 – 49, et seq.); and

permitting access to a plurality of clients, from across the network, to the custom news documents (Figure 3, column 3 line 67 – column 4 line 2, et seq.).

In the Applicant's Remarks filed on 1/5/2007 (which has already been declared moot in view of the new ground of rejection), Applicant alleged that Miyasaka does not disclose or suggest "inserting the news content into the custom news documents, wherein the custom news documents are stored at a custom news server that is remote from the news search server" and "permitting access to a plurality of clients, from across the network, to the custom news documents." Examiner still believes that Miyasaka teaches or suggests all of the aforementioned features. In addition to previously cited sections, see column 11 lines 15 – 30; 54 – 62. If some desired contents reside

Art Unit: 2166

elsewhere, the search queries are directed to a content server across a network.

Desired contents are received in response to the search queries and, according to user preferences, the contents are formatted in the area of a desired layout. Content that is deemed to be of greatest interest is formatted in the area having the highest priority.

Figure 3 discloses the access to a plurality of clients, from across the network, to the custom news documents.

Regarding claim 11, Miyasaka discloses news content inserted into the custom news documents is updated at periodic intervals (Figure 5E, et seq.).

Regarding claim 12, Miyasaka discloses the news search server executes a search using the one or more search queries to retrieve the news content (Figures 5B – 5C, column 4 lines 34 – 37, et seq.).

Regarding claim 14, Miyasaka discloses a custom news server, comprising:
a memory configured to store news content and a custom news document; and
a processing unit configured to:
periodically produce one or more custom search queries related to news of interest (Figure 5E, et seq.);

send the one or more search queries at periodic intervals across a network to a news server that aggregates news from a plurality of news sources (column 4 lines 34 – 37, et seq.);

receive news content corresponding to the one or more search queries from the news search server (column 4 lines 9 – 12, et seq.);

insert the news content into the custom news documents, wherein the custom news documents are stored at a custom news server that is remote from the news search server (column 3 lines 45 – 49, et seq.); and

permit access to a plurality of clients, from across the network, to the custom news documents stored at the custom news server (Figure 3, column 3 line 67 – column 4 line 2, et seq.).

Claim 14 rejection is also based on the rationale discussed in claim 10 rejection above.

Regarding claim 15, Miyasaka discloses a method, comprising:

fetching news content from a plurality of news source servers (column 4 lines 34 – 37, et seq.);

aggregating the news content (column 4 lines 34 – 40, et seq.);

periodically receiving one or more search queries across a network from an external server that hosts customized news content (Figure 5E, et seq.);

searching the aggregated news content based on the one or more search queries (column 4 lines 34 – 40; 45 – 46, column 5 lines 7 – 11, column 11 lines 15 – 30, et seq.); and

periodically providing news content to the external server based on results of the searches (Figures 2b and 3, column 4 lines 34 – 40; 45 – 46, column 5 lines 7 – 11, column 11 lines 15 – 30, et seq.).

Claim 16 recites receiving compensation from an entity associated with the external server for providing the news content to the external server. It is inherent and

Art Unit: 2166

also well known in the art that news content provider service (column 16 line 20 – column 17 line 67, et seq.) gets compensated for their service by users/subscribers.

Regarding claim 17, Miyasaka discloses a system for providing client access to customized news content, comprising:

a custom news server configured to:

periodically send one or more customized search queries across a network to a news search server (Figures 3 and 5B, column 3 lines 24 – 25; et seq.: recipients (they are computers just like servers) send customized search queries to news server);

wherein the news search server is configured to:

store news content from a plurality of news source servers (Figure 3, column 4 lines 34 – 37, et seq.),

periodically receive the one or more search queries from the custom news server (Figure 5E, et seq.),

search the stored news content based on the one or more search queries (column 4 lines 34 – 40, et seq.), and

periodically provide news content to the custom news server based on results of the searches (Figures 3 and 5E, et seq.);

wherein the custom news server is further configured to permit access to a plurality of clients, from across the network, to the news content provided by the news search server (Figure 3, column 3 line 67 – column 4 line 2, et seq.).

Art Unit: 2166

Regarding claim 19, Miyasaka discloses a method of retrieving news content from a news server, comprising:

 permitting client access, via a network, to first news content contained in one or more news documents stored at a custom document server (Figure 3, column 3 line 67 – column 4 line 2, et seq.: news server is the custom document server);

 sending query data from the custom document server across the network to the news server based on a portion of the first news content that is accessed by the client (column 4 lines 29 – 31; 34 – 40, et seq.: news server sends query data (searches according to user preference) to content providers or content servers);

 receiving second news content, via the network, at the custom document server from the news server based on the query data (column 4 lines 31 – 37, column 11 lines 15 – 30, et seq.: various news contents are received);

 incorporating the second news content into the one or more news documents (column 4 lines 34 – 40, column 11 lines 55 – 62, et seq.: formatting content in the desired layout); and

 permitting client access, via the network, to the second news content at the custom document server (Figure 3, column 3 line 67 – column 4 line 2, et seq.).

Claim 29 is essentially the same as claim 19 except it sets forth the limitation as “a custom news server” rather than “a method”, therefore rejected based on the rationale discussed in claim 19 rejection.

Art Unit: 2166

Regarding claim 20, Miyasaka discloses the news server executes a search, using the query data, to retrieve the second news content (column 4 lines 34 – 37, et seq.).

Regarding claim 21, Miyasaka discloses the query data comprises a Uniform Resource Locator (URL) associated with the selected news content (column 1 lines 32 – 33, column 13 line 16; 31, et seq.).

Regarding claim 24, Miyasaka discloses the news server aggregates news content from a plurality of news sources and groups the news content (column 3 lines 45 – 49, column 4 lines 34 – 40, et seq.).

Regarding claim 25, Miyasaka discloses the search algorithm compares the URL with the grouped news content to determine a group from the grouped news content to which the URL belongs (column 1 lines 33, column 4 line 14, column 13 lines 30 – 32, et seq.).

Regarding claim 26, Miyasaka discloses the query data comprises a textual portion of the selected news content (Figure 5C, et seq.).

Regarding claim 27, Miyasaka discloses the news aggregation server generates a search query for use in the search based on the textual portion of the selected news content (Figure 5C, column 3 lines 29 – 31; 34 – 37, et seq.).

Regarding claim 28, Miyasaka discloses the textual portion of the selected news content comprises key words of the selected news content (Figure 5C, et seq.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 – 4 and 22 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyasaka in view of U.S. Publication Number 2002/0103809 issued to Timothy W. Starzl et al (hereinafter “Starzl”).

Regarding claim 3, Miyasaka discloses the query data comprising the URL.

Miyasaka does not explicitly disclose a server that's capable retrieving at least a portion of text of the news content.

However, Starzl discloses a server that's capable retrieving at least a portion of text of the news content and generates a search query for use in the search based, at least in part, on the at least a portion of the text (paragraph 14 lines 5 – 16; 18 – 23, et seq.: web documents (news content) are parsed, stored, and de-duplicated to build a crawl table (table containing portions of text of the news content), and the system uses a spider server to retrieve the full-text document related to each item in the crawl table (search is performed using the portions of text of the news content). Therefore, the items in the crawl table can be interpreted as generated search query based on the at least a portion of the text retrieved from the news content). At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because Starzl's text retrieval method would have

Art Unit: 2166

enabled Miyasaka's system to retrieve most relevant content by using the keyword information (which is obtained from the news content) contained in the query.

Regarding claim 4, Starzl discloses the at least a portion of the text of the selected news content comprises key words of the selected news content (paragraph 14 lines 5 – 16; 18 – 23, et seq.).

Claims 22 and 23 are also rejected based on the rationale discussed in claims 3 and 4 rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2166


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patent Examiner Sangwoo Ahn
AU 2166

3/8/2007 SW


MOHAMMAD ALI
PRIMARY EXAMINER